

**Alexandria Township
Land Use Board
Meeting Minutes May 21, 2020**

Chair Phil Rochelle called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:32pm. The meeting was duly noticed.

MEMBERS PRESENT: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Deputy Mayor Kiernan, Giannone, Pauch (7:34), and Kimsey

MEMBERS ABSENT: Committeeman Pfefferle and Hahola

OTHERS PRESENT: Tom Decker – Engineer and David Banisch - Planner

Approval of the April 16, 2020 Meeting Minutes

A motion to approve the April 16, 2020 meeting minutes with revisions for the motions to adjourn and revision to the engineer letter on page one was made by **Kimsey** and seconded by **Pauch**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Deputy Mayor Kiernan, Giannone, Pauch and Kimsey. No Nays. Motion Carried.**

New and Pending Matters

- **Special Events Ordinance – Draft Revisions**

Chair Rochelle advised the Board this is to further the discussion and refine the Ordinance with a final draft at a later date. **Banisch** advised that he issued a second draft of this ordinance in April that captured the comments from the first review of the draft ordinance at a Board meeting late last year. The revised draft ordinance is an intent to respond to that series of comments in April 15th memorandum, since then he received some comments from Board members as well as from the County Ag Development Board Administrator and the County Economic Development Director which are reflected in a revised draft sent May 19, 2020. **Banisch** recapped that he believes the objective of the Ordinance is to come up with a municipal licensing process that takes someone interested in holding a special event on their property out of the local Land Use process and municipal land use procedures and puts it into a municipal licensing procedure where there are a series of provisions set up to accommodate commercial or economic development interest that individual land owners may have in using their land that fall within the parameters of this Special Event licensing standards. The idea here is to basically save people money from having to submit to the usual application process with the Land Use Board. He advised there are a couple of pieces here that he would like to address up front. There are two processes for farms that want to have on-farm direct marketing activities, events and sales. There are a set of standards that the State Agricultural Development Committee promulgated and they guide these types of activities. There is some overlap with local regulations but generally if a farm chooses to engage in these on-farm direct marketing activities, in accordance with the standards for those activities that the SADC issues, then they are really under the purview of the CADB. The CADB is advised under those circumstances that if someone wants to conduct those commercial activities on their farm, in some cases have to conform to municipal standards and in other cases not so much. The disconnect is

that there is a fairly limited palette of activities that the Agricultural Management Practices or the AMP for the on-farm direct sales and marketing activities will cover and there are other things that he thinks that the town is interested in potentially licensing for people to conduct on their property. He recapped that the big picture here is to take people that may be interested in an occasional commercial activity on their property, to take them out of the normal Land Use review procedures and offer them a municipal license if they conform to certain standards. **Banisch** read the purpose statement from the draft Special Event Ordinance:

A. Purpose Statement: The purpose of this ordinance is to establish a municipal License process to permit occasional commercial, agri-tourism and farm-related special events that are not otherwise permitted by Ordinance or do not conform to the State Agricultural Development Committee (SADC) Agricultural Management Practice (AMP) for “On-Farm Direct Marketing Facilities, Activities, and Events” as enumerated and regulated at N.J.A.C. 2:76-2A.13. The Township of Alexandria recognizes that residents and landowners may wish to supplement personal or farm income by conducting a special event on land they own. At the same time, the Township of Alexandria recognizes the need to respect residents’ entitlement and reasonable expectations to undisturbed use and enjoyment of their residential property without potential nuisances from non-residential land uses, traffic, noise, light and crowds of people. In view of the foregoing, the following Special Event licensing procedures are established for one-time, occasional, periodic or seasonal commercial, agri-tourism and farm-related special events under controlled circumstances.

Banisch advised that the purpose statement is about balancing. This ordinance sets up two different classes of Special Event Licenses one for Minor and one for Major. He defined Agri-Tourism and Applicant for the Board as:

“Agri-tourism” means, for the purposes of this ordinance, a commercial, civic, cultural, recreational or social activity for visitors or customers that is usually but not always conducted on farm-assessed land and is thematically oriented around, dependent upon, promotes, or otherwise takes advantage of Alexandria Township’s agricultural character, rural landscape and open land assets as a component of the theme of the activity, not including overnight lodging.

“Applicant” means, for the purpose of this ordinance, an Alexandria Township resident landowner or an Alexandria Township resident that is an immediate family member of a resident landowner.

Banisch highlighted the definition for Significant Impact:

“Significant Impact” means (1) in the case of a farm, the disturbance or diversion of one (1) acre or more of farm assessed land from agricultural production to conduct a Special Event, and (2) in the case of a residential use (a) special event audible sound or noise that exceeds the NJDEP maximum allowable noise standards at the property line for a duration of 15 minutes or more and occurring at a frequency of more than once per day, (b) special event light trespass onto a residential property from traffic or site lighting that exceeds existing

ambient lighting under normal conditions (non-Special Event times), (c) special event parking of vehicles on a public road, an off-site driveway, private property or within 50' of a residential property line.

Banisch advised it's up to the Board to advise if these standards and definitions are reasonable.

Papazian asked whether or not this ordinance would include a Limited Liability Corporations who is not a resident of Alexandria Township. **Banisch** advised as this is written it would not include an LLC. He also advised someone would have to be a resident landowner or an immediate family member of a landowner of Alexandria Township. The resident landowner has to give permission for the application.

Papazian said that there are some farms that are in an LLC and it would exclude them as written.

Banisch advised the Board could expand the definition if it is too limited, however, the local land use process is always available to any property owner. **Giannone** objected to the need for a Minor Special Event and said that in the definition of Special Event, it doesn't include parties and family celebrations, etc., which he felt makes sense. He continued, to extend the opportunity for anyone under 50 persons to have some sort of commercial event on a residential property seems to undermine why we have zoning restrictions and the Land Use Board for a small activity. He feels that if someone who has 3 or 4 acres wants to have some kind of commercial activity, then there are Home Occupation uses and that you can rent the pavilion at the park and there are other avenues for this type of event. **Banisch** addressed that concern by using the example of someone who makes quilts and wants to conduct sales from the property, and won't be doing it for a large-scale crowd, and would do it in a limited way. It would seem that there would be a separate class of licensing and a separate class of requirements.

Giannone felt that these types of activities would undermine the existence of the AR zone. **Banisch** advised that the Board is here to discuss whether or not it is on the mark or missing the mark. Where is the Board consensus on a number of considerations and assumptions that are made about this ordinance. **Banisch** asked if the Board wants to just make it for bigger events, just to limit it to farms, is the second class unnecessary, and should it be absolutely restricted. He advised one of the difficulties in crafting this ordinance is considering there could be different lot sizes as the threshold, different neighborhood characteristics and different density of housing. He advised the town is constituted as it is with a variety of densities and with different concentrations of populations in neighborhoods, however they are not all expansive and not designated something different than the AR. He advised they are all in that zone.

Pauch says that he supports the idea of two levels and to remember is that it is the A-R zone, Agricultural - Residential, and that each residential property has to deal with the agricultural property and vice versa. **Giannone** felt it should only be on farm assessed properties; he wants to eliminate a residential property conducting a commercial activity. **Freedman** said she agrees with Mike and would not want a neighbor to hold a commercial event because it is a residential neighborhood. She said if the neighbor wants to run a commercial business than they need to find a commercial space. **Banisch** advised the Board that these are annual licenses that are to be issued for only seasonal activities for events that occur on an occasional basis. This Ordinance is not intended to be a municipal licensing process for ongoing businesses. **Kimsey** asked if this is where the appeal process in the Ordinance comes in, if someone has a major problem with what is going on. **Banisch** advised that yes, it would, at the time the application is made, to nip it in the bud. A neighbor of the applicant would have 10 days to submit a letter and tell the town that they have an issue with the event. The Clerk, the Engineer and the Township Committee are almost immediately put on notice that there is a problem with this application and to take a close look at it. All appeals go to the governing body and the governing body would decide whether or not to issue the license. **Kimsey** advised he felt that would handle a lot of the problems with the event. **Tucker** addressed the Board with regards to a Major or a Minor special event, regardless of

the numbers, she felt that the Board should try to look at both types of events for now and not automatically eliminate a Minor special event. She felt it is better to work through it this way with both minor and major to see if it makes sense, and that it can be changed later if the Board would like to do so. **Pauch** brought attention to the ordinance under Significant Impact, he doesn't feel that we need to put area size. He added any farmland assessed property whether a regardless of acreage can have a pretty significant special event on an area of less than one acre. **Tucker** agrees with Jim. **Banisch** advised with regards to Significant Impact; he could revise the sentence to read, in the case of a farm, the disturbance or diversion of any farm assessed land from agricultural production as opposed to having a one-acre disturbance limit.

“Significant Impact” means (1) in the case of a farm, the disturbance or diversion of one (1) acre or more of farm assessed land from agricultural production to conduct a Special Event, and (2) in the case of a residential use (a) special event audible sound or noise that exceeds the NJDEP maximum allowable noise standards at the property line for a duration of 15 minutes or more and occurring at a frequency of more than once per day, (b) special event light trespass onto a residential property from traffic or site lighting that exceeds existing ambient lighting under normal conditions (non-Special Event times), (c) special event parking of vehicles on a public road, an off-site driveway, private property or within 50’ of a residential property line.

Tucker agrees with Aram regarding some farms being in an LLC's or other business entity. She asked if we could change the definition of an applicant to say “or an LLC, where the primary member is an Alexandria resident”. **Banisch** agreed.

Banisch continued with reading the definition of Special Event and the criterion:

1. “Special Event” means a duly municipally-licensed agri-tourism commercial activity that is accessory, incidental and subordinate to the principle use of the property, that does not result in a significant impact on neighboring residences or in the case of a farm, on the agricultural viability of the farm, and does not result in a significant impact on the rural or residential character of Alexandria Township and that Is conducted on a one-time, occasional, periodic or seasonal basis, and occurs within only one season of the year;
2. Is conducted no more frequently than three (3) consecutive days excluding preparation and clean up, and is conducted no more than 3 weeks in a row;
3. Does not involve overnight lodging, public accommodations or visitation;
4. Does not involve construction of new buildings or structures.
5. Does not involve outdoor storage, outdoor display of items for sale or signs that are visible to the public or neighbors for more than 30-days.
6. Is conducted between the hours of 9:00 am to 10:00 pm.
7. Secures a municipal license in the calendar year in which it is conducted.

8. A Special Event does not include noncommercial activities, such as, but not limited to: a private party, family celebration or gathering on private property; a civic fundraising event for a school; a special event conducted by a religious organization such as a church picnic, dance, dinner, auction, or revival that is conducted on property tax class 15D exempt property, not including a carnival or fair involving electronic rides, amusements and food for sale to the public.

Banisch described the difference between “Minor” and “Major” special event. He advised only the Township Committee can issue the license for a Major Special Event. The Municipal Clerk and the Engineer could issue a Minor Special Event without sending it to the Township Committee. This is really the reason for the two classes of licenses.

“Minor Special Event” means a special event that involves traffic and parking of approximately 25 vehicles or less and/or approximately 50 or fewer attendees, customers or visitors on site at a given time.

“Major Special Event” means a special event that involves traffic and parking of more than 25 vehicles and/or 50 or more attendees, customers or visitors on site at a given time. A Major Special Event may be one event or a series of events.

The next step in the Ordinance is Procedures and the critical element here is the pre-application process which is mandatory. That is why when someone comes in for a license, they have to tell the Clerk and the Engineer what they are doing and what the Special Event License is for. The Clerk and Engineer can review the application and get a sense of what is being proposed and give some meaningful feedback as to what the application requirements would be. Per the Procedures, the Clerk and Engineer can refer to other Township Officials for review and recommendations and in the case of the Minor License, the Clerk can issue the license. He reiterated that a Major Special Event may only be issued by the Alexandria Township Committee. The Committee is not bound to issue the license, if the Township Clerk and Engineer feel the license should not be issued, they can refer to the governing body to make sure everyone is comfortable with the issuance of the license for the proposed activity.

There is also a requirement to adhere to all the Terms and Conditions of the Ordinance and the way that they outline the activities that they plan on conducting, and they also have to register with the Municipality to conduct a Special Event so that there is adequate information on file with contact information. **Banisch** advised that the Board had asked for an appeal procedure. He initially proposed, in the April 15th draft, that it was a little unworkable because it basically gave the person wanting to make the appeal, the ability to appeal the issuance of a license up to 10 days before the scheduled start of the first event. However, Dennis had called it to Dave’s attention that it wasn’t fair to the applicant. **Banisch** edited the Ordinance for the Board’s consideration instead so that when the application is submitted to the Township Clerk, notices have to go out. One notice has to be noticed in the paper and the other has to be sent to property owners within 200 feet advising that this license is being made and that they have 10 days to submit an objection to the issuance of the license. This shortens the timeframe. The other piece of the Appeal is that when an appeal is made, the issuance of the license automatically goes to the Township Committee. The Township Committee hears the appeal and then they can make their decision. This way the Township Committee can know what the concerns are before the license is issued.

Banisch advised there is an expiration provision which means the license is only good for a year. They have to come back and apply again. The town is under no obligation to issue a license in a subsequent year. This is a series of checks that are built into this ordinance and all subject to any revisions. The idea here is if the event doesn't go according to plan for the year that the license was issued it automatically expires and there is no license to conduct that activity or if the activity does go as planned, but the town is not happy with the outcome it can be simply denied. To put all this up front is to put the applicant on notice that basically this is a privilege and that they are not entitled to the license. In summary, he reviewed the appeal, expiration, and that the applicant is not entitled to the issuance of another license. All that is designed to avoid the kind of situations that the municipality has found itself in with some commercial activities being conducted without any kind of public health and general welfare oversight of these activities prior to being conducted on a commercial basis.

Banisch advised that the Township Clerk asked whether or not the Township Committee could basically issue a Special Events License on a site that received site plan approval from the Board, where the Board may have built particularly limits into the kind of the activities that could be legally conducted on that site and had received site plan approval. This provision basically says yes, when the Township Committee is approached and requested to issue a Special Event License on a site that has an approved site plan approval and if they want to issue a special event license for that activity, say in the case of a private non-profit that wants to use a site for parking or something like that, then the Committee can do that but it's only on a limited basis. He expects there will be a legal review on this as well with all the concerns being proposed here. This is a general overview.

12. Sites that have obtained prior site plan approval. The Township Committee may, within its discretion, grant a License for a Special Event on a site that has previously received site plan approval, which shall not in any way alter, modify, or change the Site Plan approval and any conditions or limitations included in that approval except to the extent permitted by the Township Committee for a Special Event in accordance with the provisions of this ordinance.

- a. The Township Committee may delegate to the Township Clerk and Engineer the ability to issue a Special Event License for a special event on a site that has previously received site plan approval provided, however, that no Special Event License shall in any way alter, modify, or change the Site Plan approval and any conditions or limitations included in that approval, except to the extent permitted for the Special Event.

Chair Rochelle asked for any comments from the Board. **Pauch** advised the word "commercial" is used frequently and believes there needs to be a definition as to what is considered "commercial". **Banisch** agrees with the concern that the statement about commercial was not clear enough. **Banisch** advised it could be refined to basically encompass any event or activity whether there is a financial charge for participation or attendance. **Chair Rochelle** advised it should also be refined to include sale of items as well. **Pauch** advised next issue is the use in terminology of setbacks to property lines, instead he feels that the ordinance should use a Special Event Area, in other words if there is a 200-acre farm, the Special Event Area may only take up $\frac{1}{4}$ of an acre. He feels the area of the Special Event which includes parking and egress, should be defined in the application and to the nearest residence, not owned by the applicant in the area, that the applicant should measure sound notifications to and so forth. He doesn't care for the idea of the property line being used, as much as defining the area of the Special Event, and going to the nearest residence in the case of the sound to be in the 200-foot notice of the area of the

special event. **Chair Rochelle** felt that would complicate the area of the plot marked out. **Banisch** advised the appeals process would not work without the notice of the 200' notice standard. Neighbors may see a noticeable difference in traffic and noise impact. He advised the difficulty in changing the noise standards is that there is a state law that governs the noise and any changes would require DEP approval. **Papazian** asked if there was a minimum acreage on a Minor Special Event due to his concern of where to park 25 cars. **Banisch** advised there wasn't a minimum acreage and that when the Board initially said that this should only be on farm assessed properties, it was suggested by other members of the Board that it would deny everyone else in town from the opportunity that the agricultural land owner would have. **Banisch** advised with regards to parking, that it has to be onsite and has to be 50' from a residential property line, otherwise, it doesn't conform and presumably the Clerk and Engineer would deny the license. Discussion ensued regarding what happens if the applicant doesn't abide. **Banisch** advised the applicant has to provide a sketch and there is a provision in the ordinance that if you don't do it exactly as you have submitted it to the Clerk and Engineer for a Minor Event than the license can be terminated. **Papazian** felt that still the applicant could ignore the restrictions and covenants put on the application. **Banisch** advised he was taking feedback into consideration on this.

Giannone expressed concerns that the events should only be for farm assessed properties or properties with 20 acres and asked who will be policing these events and who would measure how many cars are parked. He feels farm assessed properties have an inherent right and it should be left that way. **Banisch** asked if 20 acres should be the number of acres needed. There was a discussion that zoning uses a minimum acreage of 10 acres. **Chair Rochelle** asked how the Board feels about putting a minimum lot size requirement on the ordinance. He advised the Board Attorney was concerned about this requirement. Discussion ensued regarding how many acres it takes to be farm assessed. **Fritsche** advised it is 5 acres if there is no homestead, but 6 acres if there is a home on the property. **Kimsey** asked if the Board was getting overly concerned about this getting out of control. He advised he doesn't see a lot of people with 2 or 3 acres really getting involved and if they do, it can be monitored and see how it goes. Discussion ensued with the example of someone who wants to sell quilts and whether the cottage ordinance and home occupation ordinance already in existence covers that type of activity. **Canavan** agreed with **Kimsey** and advised he felt the Board should get away from the smaller events, and the concern regarding the size of the lot. He advised that the state police can not enforce parking. He felt the town should consider an ordinance for sound and one for parking that the road can not be blocked or on someone else's property and then on the licensing procedure, there could be a reference to those ordinances. He felt this would simplify the process. **Kiernan** advised that when it comes to public roadways the state police can enforce when it comes to vehicles that are parked and blocking driveways or obstructing the roadway. He does not believe the state police have the proper decibel equipment to measure the noise. **Canavan** felt an ordinance for noise would be helpful and that there is a history in the township with noise and the township not having an ordinance. **Kiernan** advised that he does not feel there should be a restriction on lot size. He feels there are smaller sized lots that are more productive than some of the farm assessed properties and doesn't believe it should be minimized and that they should be afforded the same benefits. **Pauch** said the fact that it's a license means that it can be a one-time problem and that all issues can't be foreseen. He feels that you can either work with the applicant to fix it, or the applicant won't have a new license.

Tucker asked if in the appeals process, the applicant will have a chance to speak to the Committee to address any concerns before the application is approved or denied. She feels the appeals process should say something to the effect that the complaints need to be in before the next Township Committee meeting so that the applicant has the opportunity to hear the appeal before the application gets denied. **Banisch** said that the first part of what he heard was like an equal protection thing, can

someone come in and complain to the Township Committee and deny the license without the applicant being given the chance to come in and hear the complaint or objection, in order to attempt to resolve the complaint. The second part was if the applicant can not be there, then he needs to correct that. He continued that with respect to the timing, the appeals provisions are in two places, near the end of the ordinance and subsection H.

H. Appeal. An interested party residing on residential property within 200' of the proposed Special Event License property may appeal the issuance of a Special Event license by submitting a notarized letter to the Township Clerk within 10 days of the date of newspaper publication or within 10-days of certified mail notice. Such objection shall clearly state the bases for an objection, including but not limited to objections to potential noise, light and traffic impacts related to quiet enjoyment of a residential property within 200' of the Special Event property.

- a. Appeal procedure. The Township Committee shall hear and decide all appeals to issuance of a Special Event License.
 - i. An appellant shall appear before the Alexandria Township Committee to present an in-person verbal explanation of objections to the issuance of a Special Event License. The appellant's appearance shall be the next regularly scheduled Township Committee meeting following the filing of the appellant's Appeal.
 - ii. After hearing objections from the Appellant, the Township Committee shall decide whether to issue or deny, or approve with conditions, the Special Event License.

Banisch summarized by saying that the applicant submits the application, they have to have their notices out within ten days, and then the public has twenty days from the date of publication in the paper or receipt of the certified notice. He advised another important point in reviewing this is that it says basically only a person within 200' can appeal which he did consciously to limit the appeal. **Tucker** advised the applicant needs to have the ability to defend their application before the Township Committee and before the event. She advised there has to be one Township Committee meeting in between or else it is not fair. **Chair Rochelle** said there needs to be a correlation for the beginning of the time to count and has got to be relevant to the Township Committee Meeting, otherwise what forum would they have the hearing under. **Banisch** advised he could do that. He advised going back to the quilting example that the applicant could wait months, so he will add a provision that the applicant gets to make their case and that the timing has to be backed up from the date of the Township Committee meeting, ten days prior to the TC Meeting.

Banisch continued reviewing the remainder of the second draft of the ordinance. The next part is the Pre-Application Process in which the applicant comes in and needs to put enough information in front of the Clerk and the Engineer to understand what is going on with the Event. The applicant needs to fully describe and graphically represent the Event. Once the Clerk and Engineer clearly understand the scope of the special event or activity is then the Clerk and Engineer will guide them through the submission requirements. He advised the Pre-Application Process is critical because it gives the Clerk and Engineer the ability, in the case of a minor event, to potentially relieve the applicant of a substantial amount of the requirements. For example, in the case of buffering, the Clerk could pull up the property in an aerial photography and see that there might not be a need for buffering. It facilitates a less expensive process

for the applicant. He continued there is a list of information they can provide; the nature of the activity, the location of the activity, times and dates, how many participants, what kind of improvements do they think they have to make to conduct the event in a safe manner and in a manner which is respectful to the neighbors; and the number of special events in a calendar year for which a license is sought and whether the special event will be a stand alone event or one of a series of events. The idea is to get as much preliminary detail as possible so that they can move onto a formal application.

He then advised the next section are the fees that are identified, which are different for the minor or major event with anticipation that there is not going to be as substantial a review requirement for the smaller event. Next, subsection F. are the actual standards, which are basically those that the applicant has been directed to respond to by the Clerk and the Engineer. They would include visitor management and they would have to show a sketch plan showing the parking area, driveways, vehicle turning areas, the number of visitors anticipated, sanitary facilities, identify the dates, days, and times of the event. He reviewed the other standards in the Ordinance for the signs, which can be a double-sided piece of plywood setback 10 feet from the road and not closer than 50 feet from the adjoining residential property line. He continued the standards also include directional signs, a security plan, special event transportation, buffering, lighting, noise and audible sound and nuisances of any kind. All security and traffic control should be at the expense of the applicant, which can be a condition of the license.

2. Visitor Service.

- a. Identify food and/or beverages that will be provided for sale and/or consumption. List State and local regulations approvals required for food and beverage sales and on-site consumption in the application. Submission of all outside agency approvals, such as Board of Health approval, will be a condition of a Special Event License issued that includes food and beverage sales and/or onsite consumption.

3. Transportation:

- a. Adequate off-street parking shall be provided.
- b. Parking spaces, driveways and drive aisle widths shall conform to Alexandria Township standards (i.e. 9'x18' parking spaces for cars, 24' wide drive aisles, etc.). The sketch plan shall identify the location and dimensions of parking areas, existing and proposed driveways, parking and vehicular turning areas.
- c. All visitor and Special Event parking shall be located on the Special Event property with access provided via a driveway to the parking area. There shall be no Special Event parking off site, on public roads, shoulders of roads or anywhere within the public road right-of-way.
- d. Design of driveways and adequate sight distance to accommodate expected traffic must conform to Alexandria Township standards.
- e. Where treatment of parking and driveways is necessary to control dust, the method and frequency of treatment shall be indicated on the sketch plan.

4. Buffering. Adequate landscaped or vegetated buffering shall be provided between adjacent residential uses and all special event parking and activity areas, which may include a solid fence, berm or existing hedgerow.
 - a. Vegetated buffers, existing or proposed, shall be shown on the Special Event sketch plan. There shall be no visibility between Special Event parking and activity areas and adjoining residential uses and yards such that the privacy of adjoining residential neighbors is not compromised.
 - b. Buffers may include existing vegetation consisting of hedgerows, plantings or forested conditions that provide an effective landscaped or vegetated screen between adjoining residential uses and special event parking and activity areas.
 - c. Where no existing landscaping and vegetated buffer exists, the sketch plan shall identify proposed buffering consisting of a fence, berm, landscaping or a combination of the three, which shall be sufficient to achieve the objective identified in “a.” above.
5. Lighting. When Special Event activities are proposed during non-daylight hours, adequate lighting shall be provided to provide safe pedestrian access within and around special event activity areas and for safe pedestrian access to parking areas.
 - a. Parking areas shall be suitably lighted to provide for safe vehicular access within and around parking areas and drive aisles.
 - b. No off-site lighting impact shall be permitted so as to cause off-site glare or a nuisance lighting impact to an adjoining residential neighbor.
6. Noise and Audible Sound. Special Events shall not produce audible sound or noise that exceeds the NJDEP maximum allowable noise standards at the property line, nor shall there be audible sound or noise produced that exceeds allowable limits for a duration of 15 minutes or more and occurring at a frequency of more than once per day.
 - a. No sound or noise of any kind that is audible at an adjoining residential property line shall be produced at a special event earlier than 7:00 am, nor later than 11:00 pm.
 - b. For Special Events that include music, performance activities or amplified sound of any kind, sound, noise readings taken at property lines may be required prior to the issuance of a license permitting Special Event activities to be conducted.
7. Nuisances of Any Kind. In the event that there are any activities conducted under the Special Event License that results in a nuisance relating to lighting, noise or sound, crowd activity or unmanaged traffic, or activities conducted that are not approved by the Township, a Special Event License may be revoked by the Township of Alexandria with all Special Event activities to be discontinued and all special event improvements and appurtenant structures taken down and removed from the site.

Chair Rochelle asked if anyone had any comments at this point. He commented there should be time limits for before and after the event that the signs need to be taken down. **Banisch** advised that he would put in 30 days before and 30 days after the event. The Board felt 10 days before and after would be more appropriate. Discussion ensued regarding the fees. **Decker** said looking at the fees, if it is set up as an escrow with an initial deposit of \$500 depending on the initial application and the review required and if it is fairly straight forward than \$500 might be okay but if the application is more involved requiring additional review than it increases. **Banisch** asked if in addition to the application fee there should be additional escrow. **Decker** felt that it would be necessary to have an escrow that can be replenished. **Decker** asked if the pre-application review would be a meeting that is scheduled with the Clerk and the Engineer. He is concerned about costs. He believes his hourly rate with the town is \$135 per hour, and he hopes that it would not be more than an hour. Whatever is left over in the preapplication could be applied to their escrow payment. With a major special event, it could become akin to a site plan review. **Banisch** advised he would change the pre-application review to \$200 and add an escrow fee of \$200 for a minor and \$500 for a major with the same kind of replenishment provisions as the regular escrow charges. **Banisch** sees it as there should be an application fee and an escrow fee. The application fee would be for the administrative side and the escrow for the engineer's services.

B. Fees.

- a. Application Fee:
 - i. Minor Special Event License: \$200.00
 - ii. Major Special Event License: \$500.00
- b. Pre-application Review: \$50.00 (Minor or Major License)
- c. Special Event License renewal fee: \$100. (see Sec. C.8. above)

Discussion ensued regarding how to control noise. **Freedman** advised that this could be monitored by neighbors and the amount of complaints in which case the event may not be renewed. **Chair Rochelle** asked if there is a way to control and measure the noise using state regulations. **Banisch** advised he could add an additional section under noise that it could be an expense of the applicant to measure the noise. **Pauch** said maybe it could say that if there is a complaint and the neighbor can prove that the noise is too loud then the applicant would need to pay for the sound check. **Kiernan** asked about the time limits on noise. If the applicant goes past the time limit of 10pm, then they would automatically be in violation and the license would be revoked thereby negating the need for worrying about the decibel levels. **Freedman** advised that doesn't address the issue of the noise violation that is within the allowable timeframe. **Chair Rochelle** advised we could say that if there will be music played at the event than the applicant has to provide a technician to take measurements of the noise. **Kimsey** asked if it would be mandatory for everyone that has music to have sound equipment, if the applicant knows the music will not be anywhere near the decibel limit. **Chair Rochelle** felt that measuring the music regardless will help mitigate any issues by providing the data. **Tucker** felt that the applicant would only need to measure the noise if there is a complaint. **Banisch** advised he would address this generally and specifically by adding a new paragraph of Conditions of Approval advising that where, in the judgement of the clerk, engineer and/or township committee, that a license may be conditionally issued including such conditions as may be appropriate to address the standards and requirements of this Ordinance. He made a note to give the applicant one shot and if the applicant doesn't comply then there is a requirement to measure the noise at the next event. He advised it could go in the Noise and Audible section of this Ordinance so that they are on notice and that the Clerk and Engineer could include those conditions. **Banisch** advised the last couple of sections of Notice and Appeal have already been covered. **Pauch** asked about Visitor management section F regarding the sketch plan. **Banisch** advised he re-

wrote it to say the sketch plan may be hand drawn information added to a survey of the property or an aerial photograph of the property, however, the information on the sketch shall be drawn to scale and clearly legible. **Chair Rochelle** felt that the ordinance also needs to say to include the distance from the property line of the designated area from the sides and back. **Kiernan** asked in regards to the property owner, resident or LLC, how is it worded to make sure that it is an actual resident and not a corporate owned entity. **Banisch** advised that is addressed by writing an LLC whose primary member is an Alexandria Township resident. He advised he would add in whose proof of residency is required. **Canavan** asked if the LLC is the owner but not a resident, wouldn't we want them to have a license. The Board felt that if the owner was an LLC and lived in Ohio, for example, but wanted to have an event here, they would need to go before the Land Use Board for a site plan.

Approval of Bills

A motion was made to approve the bills for the professionals of the Land Use Board by **Papazian** and seconded by **Kimsey**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Deputy Mayor Kiernan, Giannone, Pauch, and Kimsey. No Nays. Motion Carried.**

Comments

Pauch commented that he would like to try another meeting venue like Google Meet or Facetime to make it easier to see when people are talking. Discussion ensued regarding using these forums for a public hearing.

A motion to adjourn was made by **Pauch** and seconded by **Kimsey** at 9:24pm. **Vote: All Ayes: No Nays. Motion Carried.**

Leigh Gronau, Board Secretary